

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 05-30104-MAP

CHESTER J. SEARS,)
Plaintiff,)
)
v.)
)
MASSACHUSETTS TURNPIKE)
AUTHORITY and CHESTER J. GDULA,)
Defendants.)

**DEFENDANT MASSACHUSETTS TURNPIKE AUTHORITY'S
MOTION TO DISMISS THE COMPLAINT**

Pursuant to Fed. Civ. P. 12(b)(1) and 12(b)(6), defendant Massachusetts Turnpike Authority ("MTA") hereby moves to dismiss the Complaint in the above-captioned action for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

In support of this Motion, MTA states that all counts of the Complaint assert only state-law claims and, therefore, there is no subject matter jurisdiction for this Court. Also, Counts II and IV of the Complaint for negligent and intentional infliction of emotional distress are barred by the exclusivity provisions of the Massachusetts workers'

compensation statute, M.G.L. c. 152. A memorandum of law is submitted herewith in support of this Motion.

Respectfully submitted,

MASSACHUSETTS TURNPIKE
AUTHORITY
By its Attorneys,



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